

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 7, 2004

IN RE:

**REQUEST OF NUVOX COMMUNICATIONS, INC. FOR
EXPEDITED REVIEW OF GROWTH CODE DENIAL**

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**DOCKET NO.
04-00111**

**ORDER APPROVING REQUEST OF NUVOX COMMUNICATIONS, INC.
FOR EXPEDITED REVIEW OF GROWTH CODE DENIAL AND
REVERSING CENTRAL OFFICE CODE DENIAL**

This matter came before Director Pat Miller, Director Sara Kyle, and Director Ron Jones of the Tennessee Regulatory Authority ("TRA" or the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 24, 2004 for consideration of the request for approval of an additional NPA/NXX in the Knoxville, Tennessee exchange ("*Request*") filed by NuVox Communications, Inc ("NuVox" or the "Company") on April 16, 2004.

BACKGROUND

In March of 2000, the Federal Communications Commission ("FCC"), recognizing "the near-crisis" caused by the exhaustion of telephone numbers in certain expanding geographic areas, initiated a policy designed "to slow down the rate at which central office codes (or NXXs) in those areas are assigned to carriers."¹ Among other things, the FCC adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and provide

¹ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Report and Order and Further Notice of Proposed Rule Making*) 15 FCC Rcd 7574, 2000 WL 339808, ¶¶ 2, 183, 191 (March 31, 2000) (hereinafter "*First Report and Order*"), see also 47 U.S.C. § 251(e)(1) (directing the FCC to "create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis")

incentives to use numbers efficiently.² Under this policy, carriers seeking additional numbering resources must apply to the North American Numbering Plan Administration (“NANPA”) “or another entity or entities, as designated by the Commission” for a decision as to whether to allocate the numbers.³

On June 18, 2001, the FCC designated NeuStar, Inc. (“NeuStar”) as the national thousands-block number Pooling Administrator⁴ NeuStar, which was also serving as the NANPA, currently administers thousands-block number pools by assigning, managing, forecasting, reporting, and processing data that will allow service providers in areas designated for thousands-block number pooling to receive telephone numbers in blocks of 1,000. On August 21, 2002, thousands-block number pooling was implemented in the Knoxville Metropolitan Statistical Area, which is in the 865 NPA. Since then, telecommunications service providers participating in number pooling in the area are required to submit their requests for additional numbering resources to the Pooling Administrator. The projected exhaust date of the 865 NPA is the fourth quarter of 2021.

On March 25, 2004, NuVox submitted an application to the Pooling Administrator to obtain additional numbering resources for the purpose of establishing a local routing number for a new central office switch in the Knoxville Rate Center. The Company currently serves its Knoxville, Tennessee customers from a central office switch in Greenville, South Carolina. The guidelines require that a rate center must have a 70% utilization rate and that its estimated exhaust date not exceed six months. The Knoxville Rate Center has a utilization rate of 20% and 200 months is the projected Months to Exhaust (MTE). The application was denied by the Pooling Administrator on March 25, 2004.

² See *First Report and Order*, ¶¶ 40-41, 84, 97-98.

³ See 47 C.F.R. § 52.15(a), see also *First Report and Order*, ¶¶ 143-48 (providing background on the development of the pooling administrator)

⁴ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Third Report and Order and Second Order on Reconsideration*) 17 FCC Rcd 252, 2001 WL 1658101, ¶ 11 (Dec 28, 2001) (hereinafter “*Third Report and Order*”), see also 47 C.F.R. § 52.15(a)

On April 16, 2004, NuVox filed with the Authority its *Request*, asserting that it needs approval of the additional numbering resources to establish a local routing number so that its new switch can receive call traffic. NuVox requests that the Authority reverse the Pooling Administrator's denial of its application and order the release of the numbering resources.⁵

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Review by the TRA of the Pooling Administrator's denial of NuVox's application is authorized by the FCC.⁶ According to the FCC,

We agree with the commenting parties that a safety valve mechanism should be established, and we delegate authority to state commissions to hear claims that a safety valve should be applied when the NANPA or Pooling Administrator denies a specific request for numbering resources. State commissions should only apply a safety valve mechanism as a last resort and, to the extent possible, use it as a stop gap measure to enable carriers in need of additional numbering resources to continue to serve their customers. We adopt one specific safety valve to address the numbering resource requirements of carriers experiencing rapid growth in a given rate area. We also clarify that states may grant requests by carriers that receive a specific customer request for numbering resources that exceeds their available inventory. Finally, we give states some flexibility to direct the NANPA or Pooling Administrator to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of these specifically enumerated instances.⁷

State commissions conducting this review must act consistently with the FCC's policy of facilitating fair and efficient numbering administration in the United States and ensuring that numbering resources are available to all telecommunications service providers on a fair and equitable basis.⁸

At a regularly scheduled Authority Conference held on May 24, 2004, the voting panel assigned to this docket considered the request of NuVox for approval of an additional NPA/NXX in

⁵ *Request*, p 1 (April 16, 2004)

⁶ *Third Report and Order*, ¶ 61, *see also* 47 C F R § 54.15(g)(3)(iv)

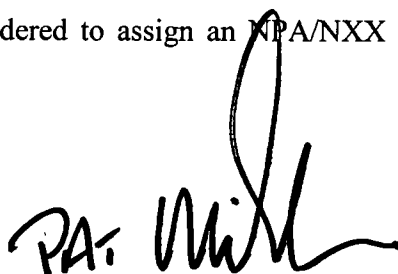
⁷ *Third Report and Order*, ¶ 61

⁸ *See, e.g., In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Order*) 16 FCC Rcd 15,842, 2001 WL 964979, ¶ 8 (Aug. 24, 2001) ("[T]he state commissions, to the extent that they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis, that numbering resources are made available on an efficient and timely basis, that whatever policies the state commissions institute with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers, and that the state commissions not unduly favor one telecommunications technology over another."), *see FCC Announces GSA Approval of North American Numbering Council Through October 4, 2003*, CC Docket No. 92-237 (*Public Notice*) 16 F C R 18,502, 2001 WL 1222428 (Oct. 15, 2001)


the Knoxville, Tennessee exchange. After consideration of the record, the public interest, and this agency's responsibility to foster competition in the telecommunications industry,⁹ the panel voted unanimously to approve the request of NuVox and reverse the Pooling Administrator's denial of NuVox's request for additional numbering resources, specifically for the assignment of an NXX to NuVox for the Knoxville Rate Center.

IT IS THEREFORE ORDERED THAT:

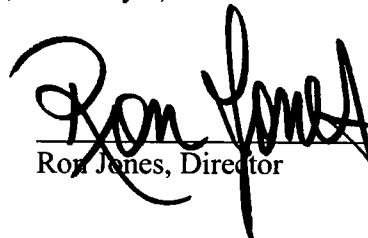
1. The request for approval of an additional NPA/NXX in the Knoxville, Tennessee exchange filed by NuVox Communications, Inc. is granted.
2. The Pooling Administrator's decision to deny NuVox's request for additional numbering resources is reversed as stated herein.
3. The Pooling Administrator is ordered to assign an NPA/NXX to NuVox for the Knoxville Rate Center.



Pat Miller, Director



Sara Kyle, Director



Ron Jones, Director

⁹ See Tenn Code Ann § 65-4-123